

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 19633 of 2006
Date of Decision : 11.12.2006

Manmohan Singh ... Petitioner
Versus
State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Mansur Ali, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner responded to an advertisement dated 12.06.2006 (Annexure P-4) for appointment against the post of Physical Training Instructor. The qualifications for the aforesaid post as laid down in the advertisement are being extracted hereunder:

“(e) Basic Academic qualification & Professional Qualifications.	Advanced physical Training Course Degree or Diplomas Including Training from Recognized University as a Graduate.”
--	--

It is the vehement contention of the learned counsel for the petitioner, that in the first instance, only candidates who have acquired their qualifications from the State of Punjab should be selected and appointed against the advertised posts, and thereafter, the left out vacancies, if any, should be filled up from candidates who have acquired their qualifications from the outside the State of Punjab. This contention of the learned counsel for the petitioner is based on the fact that the Apex Court has recognized institutional preference. It is also based on the belief that candidates are not normally granted higher marks/grades in the State of Punjab, whereas, on

account of liberal marking in institutions located outside the State of Punjab, such candidates steal a march over candidates, who have acquired their qualifications from within the State of Punjab. The basis of the instant submission, is not supported by any authentic material, and must, as such, be considered to be the personal view of the petitioner.

Having examined the qualifications stipulated in the advertisement, we are satisfied, that as a matter of policy, the respondents have placed at par, candidates who have acquired the basic academic qualifications, as well as, the preferential qualifications from within the State of Punjab, with those who have acquired them from outside the State of Punjab, subject to the over-riding condition that the same should have been acquired from a recognized University (in case of graduation).

In view of the above, we are of the view that the petitioner has not been discriminated against, but has been evaluated in terms of the advertisement (Annexure P-4). Even otherwise, the petitioner cannot claim such a preferential treatment, which as a matter of policy has to be decided as a matter of policy, if the same is considered appropriate, at the discretion of the competent authority. In the facts and circumstances of this case the competent authority has not required candidates who have acquired their qualifications from the State of Punjab, to be given any preferential treatment.

For the reasons recorded above, we find no merit in this case, and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

December 11, 2006
vkd

(S.D. Anand)
Judge